

1 Michael Bongiorno (Admitted *Pro Hac Vice*)

Timothy Perla (Admitted *Pro Hac Vice*)

2 WILMER CUTLER PICKERING

3 HALE AND DORR LLP

60 State Street

4 Boston, MA 02109

Telephone: (617) 526-6000

5 Facsimile: (617) 526-5000

Michael.Bongiorno@wilmerhale.com

6 Timothy.Perla@wilmerhale.com

7 Jie (Lisa) Li (State Bar No. 260474)

8 WILMER CUTLER PICKERING

9 HALE AND DORR LLP

950 Page Mill Road

Palo Alto, CA 94304

10 Telephone: (650) 858-6000

11 Facsimile: (650) 858-6100

Lisa.Li@wilmerhale.com

12 *Attorneys for Defendants TerraForm Global, Inc. and Peter Blackmore*

13 [Additional counsel listed on signature page]

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17
18 OKLAHOMA FIREFIGHTERS PENSION AND
19 RETIREMENT SYSTEM,

20 Plaintiff,

21 vs.

22 SUNEDISON, INC., et al.,

23 Defendants.
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Related Case No. 5:16-cv-02267-BLF

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Beth Labson Freeman

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STIPULATION AND [PROPOSED] ORDER TO CASE MANAGEMENT CONFERENCE

Case Nos. 5:16-cv-02267-BLF; 5:16-cv-02269-BLF; 5:16-cv-02270-BLF; 5:16-cv-02272-BLF; 5:16-cv-02273-BLF-NMC

1 ANTON S. BADRI, Individually and on Behalf of
2 Others Similarly Situated,

3 Plaintiff,

4 vs.

5 TERRAFORM GLOBAL, INC., et al.,

6 Defendants.

Related Case No. 5:16-cv-02269-BLF

7 IRON WORKERS MID-SOUTH PENSION
8 FUND, Individually and on Behalf of Others
9 Similarly Situated,

10 Plaintiff,

11 vs.

12 TERRAFORM GLOBAL, INC., et al.,
13 Defendants.

Related Case No. 5:16-cv-02270-BLF

14 MITESH PATEL, Individually and on Behalf of
15 Others Similarly Situated,

16 Plaintiff,

17 vs.

18 TERRAFORM GLOBAL, INC., et al.,

19 Defendants.

Related Case No. 5:16-cv-02272-BLF

20 SIMON FRASER, Individually and on Behalf of
21 Others Similarly Situated,

22 Plaintiff,

23 vs.

24 Brian Wuebbels, et al.,

25 Defendants.

Related Case No. 5:16-cv-02273-BLF-
NMC

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STIPULATION AND [PROPOSED] ORDER TO CASE MANAGEMENT CONFERENCE

Case Nos. 5:16-cv-02267-BLF; 5:16-cv-02269-BLF; 5:16-cv-02270-BLF; 5:16-cv-02272-BLF; 5:16-cv-02273-BLF-NMC

Pursuant to Civil Local Rules 6-2(a) and 7-12, the parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on April 26, 2016, defendants removed, *inter alia*, the following actions from the Superior Court of California, San Mateo County to federal court: *Fraser v. Wuebbels et al.* (“*Fraser*”); *Iron Workers Mid-South Pension Fund v. TerraForm Global, Inc. et al.* (“*Iron Workers*”); *Badri v. TerraForm Global, Inc. et al.* (“*Badri*”); *Patel v. TerraForm Global, Inc. et al.* (“*Patel*”); *Oklahoma Firefighters Pension and Retirement System v. SunEdison, Inc. et al.* (“*Oklahoma Firefighters*”) (collectively, the “Removed Actions”);

WHEREAS, on May 10, 2016, the Court related the Removed Actions to *Beltran v. Terraform Global, Inc.*, Case 5:15-cv-04981-BLF (“*Beltran*”) [*Beltran* Dkt. 115];

WHEREAS, on May 26 and 27, 2016, Plaintiffs moved to remand the Removed Actions [*Fraser* Dkt. 23; *Badri* Dkt. 30; *Oklahoma Firefighters* Dkt. 39-40; *Iron Workers* Dkt. 25-26; *Patel* Dkt. 27];

WHEREAS, on June 1, 2016, Defendants moved to transfer the Removed Actions to the Southern District of New York [*Fraser* Dkt. 24-25; *Iron Workers* Dkt. 27-28; *Badri* Dkt. 31-32; *Patel* Dkt. 28-29; *Oklahoma Firefighters* Dkt. 41, 43];

WHEREAS, Plaintiffs’ motions to remand and Defendants’ motions to transfer are scheduled to be heard on October 6, 2016;

WHEREAS, on June 14, 2016, the Court entered an Order granting the parties’ Joint Stipulated Request to File Excess Pages and Extend Briefing Schedule, which provided that oppositions to the remand and transfer motions would be filed on July 14, 2016, and reply briefs in support of the motions would be filed on August 4, 2016;

WHEREAS, the upcoming Initial Case Management Conference (“CMC”) and associated ADR deadlines in the Removed Actions are as currently set as follows:

CASE SCHEDULE – ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
7/14/2016	Last day to:	FRCivP 26(f) & ADR L.R. 3-5

1		<ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan 	
2			
3		<ul style="list-style-type: none"> • file ADR Certification signed by Parties and Counsel 	Civil L.R. 16-8(b) & ADR L.R. 3-5(b)
4			
5		<ul style="list-style-type: none"> • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	Civil L.R. 16-8(c) & ADR L.R. 3-5(b)
6			
7	7/28/2016	Last day to file Rule 26(f) Report, complete initial disclosure or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement	FRCivP 26(a)(1) & Civil L.R. 16-9
8			
9			
10	8/4/2016	INITIAL CASE MANAGEMENT CONFERENCE at 11:00 a.m. in:	Civil L.R. 16-10
11		Courtroom 3, 5th Floor	
12		San Jose	

WHEREAS, in the interests of efficiency and comity, the parties believe that it would be prudent to continue the CMC and related deadlines currently scheduled in Removed Actions until after the parties have finished briefing and the Court has resolved the jurisdiction and venue questions presented in the competing motions to remand and transfer;

NOW, THEREFORE, the parties hereby STIPULATE and AGREE as follows:

1. The CMC currently scheduled before the Court on August 4, 2016, at 11:00 a.m. in the Removed Actions, along with any associated deadlines under the Federal Rules of Civil Procedure and Local Rules (including ADR deadlines), shall be continued until after the Court rules on the motions to remand and transfer; and
2. In the event the Removed Actions remain before the Court after it rules on the motions to remand and transfer, the Parties shall, if necessary, assist the Court by timely requesting that a new CMC be scheduled in the Removed Actions.

1 Dated: July 12, 2016

Respectfully Submitted,

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3 By: /s/ Timothy Perla

Timothy Perla (admitted *pro hac vice*)
Michael Bongiorno (admitted *pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile (617) 526-5000
Timothy.Perla@wilmerhale.com
Michael.Bongiorno@wilmerhale.com

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5
6
7
8
9
10 Jie (Lisa) Li, SBN 260474
WILMER CUTLER PICKERING
HALE AND DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile (650) 858-6100
Lisa.Li@wilmerhale.com

11
12
13
14
15 *Attorneys for TerraForm Global, Inc., and*
Peter Blackmore

16
17 By: /s/ Jaime A. Bartlett

Jaime A. Bartlett, SBN 251825
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400
jbartlett@sidley.com

18
19
20
21
22 *Attorneys for SunEdison, Inc., Ahmad Chatila,*
Brian Wuebbels, Martin Truong, Jeremy
Avenier, Emmanuel Hernandez, Antonio R.
Alvarez, Clayton Daley, Jr., Georganne
Proctor, Steven Tesoriere, James B. Williams,
and Randy H. Zwirn

23
24
25
26 By: /s/ Daniel H. Bookin

Daniel H. Bookin, SBN 78996
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor

San Francisco, CA 94111
Telephone: (415) 984-8700
Facsimile: (415) 984-8701
dbookin@omm.com

Attorneys for Alejandro Hernandez

By: /s/ Patrick D. Robbins

Patrick D. Robbins, SBN 152288
SHEARMAN & STERLING LLP
535 Mission Street, 25th Floor
San Francisco, CA 94105
Telephone: (415) 616-1210
Facsimile: (415) 616-1199
probbins@shearman.com

Adam S. Hakki (*pro hac vice* app. to be
submitted)
Daniel C. Lewis (*pro hac vice* app. to be
submitted)
SHEARMAN & STERLING LLP
599 Lexington Avenue

New York, NY 10022-6069
Telephone: (212) 848-4000
Facsimile: (646) 848-4924
ahakki@shearman.com
daniel.lewis@shearman.com

Attorneys for Underwriters

By: /s/ Ismail Ramsey

Ismail Ramsey (SBN 189820)
Katharine Kates (SBN 155534)
RAMSEY & ELRICH LLP
803 Hearst Avenue
Berkeley, California 94710
Telephone: (510) 548-3600
Facsimile: (510) 291-3060
izzy@ramsey-ehrllich.com
katharine@ramsey-ehrllich.com

Kevin J. O'Connor (Admitted *Pro Hac Vice*)
HINCKLEY ALLEN
28 State Street
Boston, MA 02109-1775
Tel: (617) 378-4190

Fax: (617) 378-4191
koconnor@hinkleyallen.com

Attorneys for Carlos Domenech Zornoza

By: /s/ Francis A. Bottini, Jr.

Francis A. Bottini, Jr., SBN 175783
BOTTINI & BOTTINI, INC.
7817 Ivanhoe Avenue, Suite 102
La Jolla, CA 92037
Telephone: (858) 914-2001
Facsimile: (858) 914-2002
fbottini@bottinilaw.com

Attorneys for Plaintiff Anton S. Badri

By: /s/ Ex Kano Sams II

Ex Kano Sams II, SBN 192936
Lionel Z. Glancy, SBN 134180
Robert V. Prongay, SBN 270796
Lesley F. Portnoy, SBN 304851
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 201-9150
Facsimile: (310) 210-9160
esams@glancylaw.com

J. Brandon Walker
BRAGAR EAGEL & SQUIRE P.C.
885 Third Avenue, Suite 3040
New York, NY 10022
Telephone: (212) 308-5858
Facsimile: (212) 486-0462

Attorneys for Plaintiff Simon Fraser

By: /s/ Laurence M. Rosen

Laurence M. Rosen, SBN 219683
THE ROSEN LAW FIRM, P.A.
355 South Grand Avenue, Suite 2450
Los Angeles, CA 90071
Telephone: (213) 785-2610
Facsimile: (213) 226-4684
lrosen@rosenlegal.com

Attorneys for Plaintiff Mitesh Patel

By: /s/ Jennifer N. Caringal

Jennifer N. Caringal, SBN 286197
Darren J. Robbins, SBN 168593
James I. Jaconette, SBN 179565
Scott H. Saham, SBN 188355
ROBBINS GELLER RUDMAN & DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 231-1058
Facsimilie: (619) 231-7423

Dennis J. Herman, SBN 220163
David W. Hall, SBN 274921
ROBBINS GELLER RUDMAN & DOWD LLP
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: (415) 288-4545
Facsimilie: (415) 288-4534

*Attorneys for Plaintiff Oklahoma Firefighters
Pension and Retirement System*

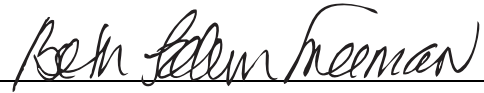
By: /s/ Jay N. Razzouk

Jay N. Razzouk, SBN 258511
ROBBINS ARROYO LLP
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
jrazzouk@robbinsarroyo.com

*Attorneys for Plaintiff Iron Workers Mid-South
Pension Fund*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 Dated: RECEIVED

3 
4 Honorable Beth Labson Freeman
5 UNITED STATES DISTRICT JUDGE
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28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE
Related Case Nos. 5:16-cv-02267-BLF, 5:16-cv-02269-BLF, 5:16-cv-02270-BLF, 5:16-cv-02272-BLF,
and 5:16-cv-02273-BLF-PSG

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order to Continue Case Management Conference. In compliance with Local Rule 5-1(i)(3), I hereby attest that the other signatories have concurred in this filing.

DATED: July 12, 2016

/s/ Timothy Perla

Timothy Perla (Admitted *Pro Hac Vice*)

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

Timothy.Perla@wilmerhale.com